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PATENT APPLICATION

ATTORNEY DOCKET NO. 10013644-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): CASATI

Confirmation No.: 4968

Application No.: 10/032,363

Examiner: Boyce, Andre D.

Filing Date: 12/21/2001

Group Art Unit: 3623

Title: A METHOD AND SYSTEM FOR PERFORMING A CONTEXT DEPENDENT SERVICE

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Non-Compliant Appeal Brief mailed on 10/17/2007

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 0. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Casati et al.

Patent Application

Serial No.: 10/032,363

Group Art Unit: 3623

Filed: December 21, 2001

Examiner: Boyce, Andre D.

For: A METHOD AND SYSTEM FOR PERFORMING A
CONTEXT-DEPENDENT SERVICE

Amended Appeal Brief

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Real Party in Interest

The assignee of the present invention is Hewlett-Packard Company.

Related Appeals and Interferences

There are no related appeals or interferences known to the Appellant.

Status of Claims

Claims 1-23 remain pending. Claims 1-23 have been rejected. This appeal involves Claims 1-23.

Status of Amendments

All proposed amendments have been entered. An amendment subsequent to the Final Action has not been filed.

Summary of Claimed Subject Matter

Independent Claims 1, 10 and 17 of the present application pertain to various embodiments for performing a context dependent service. For example, independent Claims 1, 10 and 17 recite,

executing a composite service;
utilizing a context repository to store context information for a user,
wherein said context information is automatically detected without
requiring user interaction and wherein said context information is based
on a present user location;
accessing context information; and
automatically incorporating said context information with said
composite service. (emphasis added)

Referring to page 7 line 20 of the instant application serial no. 10/032,363, a composite service "is a service which is defined or composed of more than one service." Context information is information about a user's context, such as the user's location. Page 8 provides many examples of location based context information such as determining that a user is at the seaside, the mountains, at work, at home, weather related information, the user is in a meeting, on the plane, at rest, on holiday, watering the plants, among other things. Page 9 lines 18-19 state "Device monitor 206 comprises components that monitor items which range from computer apparatus to vehicles."

Figure 2 is a block diagram depicting a context-dependent composite service, according to one embodiment. The instant application describes Figure 2 from page 6 line 25 through page 7 line 17, among other places. Figure 2 depicts monitors 214, 216, 218 and a context repository 204, among other things. The instant application states on page 6 lines 37-38, "...system 200 anticipates a users need, and delivers services when appropriate without engaging the user in unnecessary data entry."

Figure 3 of the instant application is a flowchart of a method to define a service, in accordance with one embodiment. The instant application describes Figure 3 starting with page 7 line 19 to page 9 line 28. Step 302, in page 7 lines 19-27, describes accessing a composite service. Step 304, from page 7 line 29 to page 9 line 23, describes accessing context information. Page 8 describes examples of location based context information. The page 9 line 17-21 states that "Device monitor 206 comprises components that monitor items which range from computer apparatus to vehicles. Environment monitor 218 comprises components that monitor temperature, humidity, and other environmental characteristics..." Step 306, in page 9 line 24 to page 9 line 28, describes automatically incorporating the context information with the composite service. Figure 4 of the instant application shows the process used by one embodiment to apply context information to the system 200. The instant application describes the flowchart depicted in Figure 4 starting on page 9 line 30 to page 11 line 14.

Claims 2-9 depend on Claim 1 and therefore include all of the limitations recited in Claim 1. Claims 11-16 depend on Claim 10 and therefore include all of the limitations recited in Claim 10. Claims 18-23 depend on Claim 17 and therefore include all of the limitations of Claim 17.

Grounds of Rejection to be Reviewed on Appeal

1. In paragraph 5 of the Final Office Action, Claims 1-5, 7, 8, 10-14, 16-21 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by “eFlow: a Platform for Developing and Managing Composite e-Services” by Casati et al. dated April 2000 (referred to hereinafter as “the cited Casati reference”).

2. In paragraph 6 of the Final Office Action, Claims 6, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Casati reference in view of U.S. patent publication no. 2002/0161688 by Stewart et al. (referred to hereinafter as “Stewart”).

Arguments

1. Whether Claims 1-5, 7, 8, 10-14, 16-21 and 23 are anticipated by the cited Casati reference (eFlow: a Platform for Developing and Managing Composite e-Services) under 35 U.S.C. 102(b).

A. Scope and Content of the Cited Prior Art Reference (Cited Casati Reference)

The cited Casati reference teaches a platform for developing and managing composite e-Services. In the second paragraph of the abstract, the cited Casati reference states that a platform, called eFlow, is described "...that provides the service developer with a simple, easy to use, yet powerful mechanism for defining the composite service starting from basic services. Composite services can be pre-assembled or created on the fly..." The cited Casati reference also provides a detailed description of an embodiment for local moves, interstate moves or international moves. In the lines 2-4 of paragraph 8 (second paragraph in second column of page 342), the cited Casati reference states "Customers do not need to be aware of the specific details of each eMove service: they simply specify the current location and their destination..." To summarize, the cited Casati reference teaches that users, such as customers, specify information about themselves.

B. Differences Between the Cited Prior Art References and the Claimed Invention.

The cited Casati reference does not teach "utilizing a context repository to store context information for a user, wherein said context information is

automatically detected without requiring user interaction," (emphasis added) as recited by the independent Claims 1, 10 and 17.

The Office Action asserted that the cited Casati reference teaches "wherein said context information is automatically detected without requiring user interaction" in the 27th paragraph (the last paragraph in the first column of page 345 which continues onto the second column of page 345). Paragraph 27 states,

Dynamic process evolution: eFlow allows service designers to modify service process definitions and to apply the changes to a subset of (or to all) the running instances of that service. In addition, the service designer may specify that newly started services should follow the new definition. For instance, consider the situation in which a strike hit a big airline company and is assumed to last for a long period: clearly, it is not practically feasible to separately modify each process instance; instead, with eflow, the service designer can define a new process and specify that all running instances with a given property (in this case, all instances in which the customer has booked a flight with the air carrier hit by the strike) should be migrated to the new version. The definition of service instances that need to be migrated is performed through a very simple migration language, consisting of a set of rules of the form IF <condition> THEN MIGRATE TO <version>. The condition is predicate over service process data and service process execution state that identifies a subset of the running instances, while <version> denotes the process definition version to which instances should be migrated. The set of rules must define a partitioning over the set of active instances, so that each instance is migrated to one version at the most. An example of migration rule is:...

The Office Action states in the first paragraph of page 3, "the user has booked a flight with an air carrier hit by a strike and eFlow automatically detects the airline strike, i.e., context information..." However, the cited Casati reference does not teach automatically detecting strikes. The cited Casati reference teaches migrating to a new version in the event that a strike occurs. The service designer may specify that newly started services should follow the new definition and the service designer defines the new process and specifies that running instances with a given property are to be migrated. A set of rules can be used

as a part of migrating to the new version. The cited Casati reference does not teach automatically detecting the strike itself. Therefore, paragraph 27 does not teach “utilizing a context repository to store context information for a user, wherein said context information is automatically detected without requiring user interaction,” (emphasis added) as recited by Claim 1.

The response to arguments section states, “...eFlow automatically detects the air line strike, i.e., context information, and defines a new process (§ 27), thus indeed disclosing wherein said context information is automatically detected without requiring user interaction.” However, as already described herein, the cited Casati reference does not teach automatically detecting the strike itself.

For the foregoing reasons, independent Claim 1 should be patentable over the cited Casati reference in that the cited Casati reference is missing essential elements, “said context information is automatically detected without requiring user interaction,” for a prima facie anticipation rejection and as such the rejection of independent Claim 1 under §102(b) is improper and should be reversed. For similar reasons, independent Claims 10 and 17 should be patentable over the cited Casati reference.

Claims 2-9 depend on Claim 1. Claims 11-16 depend on Claim 10. Claims 18-23 depend on Claim 17. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations. Therefore, the dependent claims should be patentable for at least the reasons that their respective independent claims are patentable.

2. Whether Claims 6, 15, and 22 are unpatentable under 35 U.S.C. 103(a) over the Cited Casati (eFlow: a Platform for Developing and Managing Composite e-Services) in view of Stewart (2002/0161688).

A. Scope and Content of the Cited Prior Art References (the cited Casati reference and Stewart)

The scope of the cited Casati reference has already been discussed in section 1.A of this Appeal Brief.

Stewart teaches an open market collaboration system. For example, Stewart states in the abstract,

An enterprise wide electronic commerce system allows trading partners to act as participants in a complex trading process. Participants communicate with one another by joining conversations that are hosted in a collaboration space and managed by a collaboration hub. ...An embodiment of the invention includes a collaboration system that allows the exchange of data between participants in an electronic commerce environment, comprising a collaboration hub for the transfer of data between participants, a collaboration space defining the rules governing said transfer of data and the role of said participants and a hub transport that allows a participant to send and receive data from the collaboration hub in accordance with the definitions of the collaboration space.

B. Differences Between the Cited Prior Art References and the Claimed Invention.

Stewart does not remedy the deficiency in the cited Casati reference in that neither the cited Casati reference nor Stewart teach or suggest “utilizing a context repository to store context information for a user, wherein said context information is automatically detected without requiring user interaction,” as recited by Claims 1, 10 and 17. In fact, the Office Action does not even assert that Stewart teaches “utilizing a context repository to store context information for

a user, wherein said context information is automatically detected without requiring user interaction."

Therefore independent Claim 1 should be patentable over the cited Casati reference and Stewart, alone or in combination. Independent Claims 10 and 17 should be patentable over the cited Casati reference and Stewart, alone or in combination, for similar reasons. Claims 2-9 depend on Claim 1 and include all of the limitations of Claim 1. Claims 11-16 depend on Claim 10 and include all of the limitations of Claim 10. Claims 18-23 depend on Claim 17 and include all of the limitations of Claim 17. Therefore, these dependent claims should be patentable over the cited Casati reference and Stewart, alone and in combination, for at least the reasons that the respective independent claims should be patentable over the cited Casati reference and Stewart, alone or in combination.

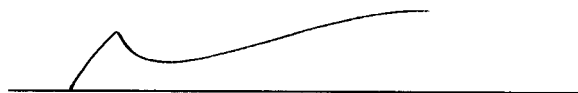
In summary, the Applicant respectfully requests that the Board reverse the Examiner's rejections of Claims 1-23.

The Applicant wishes to encourage the Examiner or a member of the Board of Patent Appeals to telephone the Applicant's undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,

WAGNER BLECHER LLP

Date: 11/16/2007

A handwritten signature in black ink, appearing to read "John P. Wagner", is written over a horizontal line.

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Claims Appendix

1. (Previously Presented) A method for performing a context-dependent service comprising:

executing a composite service;

utilizing a context repository to store context information for a user,

wherein said context information is automatically detected without requiring user interaction and wherein said context information is based on a present user location;

accessing context information; and

automatically incorporating said context information with said composite service.

2. (original) The method as recited in claim 1, wherein said composite service comprises:

a node definitions repository;

process definitions repository; and

process execution data.

3. (original) The method as recited in claim 2, wherein said composite service is an electronically available e-service.

4. (original) The method as recited in claim 1, wherein said context information is related to a user.

5. (Previously Presented) The method as recited in claim 1, wherein said context information maintained in said context repository includes context information based on a planned future user location.

6. (original) The method as recited in claim 5, wherein said context repository is maintained and updated by:

- a semantic context broker;
- an application monitor;
- a device monitor; and
- an environment monitor.

7. (original) The method as recited in claim 5, wherein said context information is automatically incorporated with said composite service without requiring action by said user.

8. (original) The method as recited in claim 1, wherein said context dependent service includes a c-node.

9. (original) The method as recited in claim 8, wherein said c-node is executed by selecting a process execution time node to be invoked, based on context information.

10. (Previously Presented) A computer system comprising:

- a bus;
- a memory unit coupled to said bus; and

a processor coupled to said bus, said processor for executing a method for performing a context-dependent service comprising:

- executing a composite service;
- utilizing a context repository to store context information for a user, wherein said context information is automatically detected without requiring user interaction and wherein said context information is based on a present user location;
- accessing context information; and
- automatically incorporating said context information with said composite service.

11. (original) The computer system of claim 10, wherein said composite service comprises:

- a node definitions repository;
- process definitions repository; and
- process execution data.

12. (original) The computer system of claim 11, wherein said composite service is an electronically available e-service.

13. (original) The computer system of claim 10, wherein said context information is related to a user.

14. (previously presented) The computer system of claim 10, wherein said context information maintained in said context repository includes context information based on a planned future user location.

15. (original) The computer system of claim 14, wherein said context repository is maintained and updated by:

- a semantic context broker;
- an application monitor;
- a device monitor; and
- an environment monitor.

16. (original) The computer system of claim 14, wherein said context information is automatically incorporated with said composite service without requiring action by said user.

17. (Previously Presented) A computer-usable medium having computer-readable program code embodied therein, said computer-usable medium for causing a computer system to perform a context-dependent service comprising:

- executing a composite service;
- utilizing a context repository to store context information for a user, wherein said context information is automatically detected without requiring user interaction and wherein said context information is based on a present user location;
- accessing context information; and
- automatically incorporating said context information with said composite service.

18. (original) The computer-usable medium of claim 17, wherein said composite service comprises:

a node definitions repository;
process definitions repository; and
process execution data.

19. (original) The computer-usable medium of claim 18, wherein said composite service is an electronically available e-service.

20. (original) The computer-usable medium of claim 17, wherein said context information is related to a user.

21. (Previously Presented) The computer-usable medium of claim 17, wherein said context information maintained in said context repository includes context information based on a planned future user location.

22. (original) The computer-usable medium of claim 21, wherein said context repository maintained and updated by:

a semantic context broker;
an application monitor;
a device monitor; and
an environment monitor.

23. (original) The computer-usable medium of claim 21, wherein said context information is automatically incorporated with said composite service without requiring action by said user.

Evidence Appendix

None

Related Proceedings Appendix

None